MINUTES
City Council Regular Session
5:30 PM - Thursday, November 18, 2021
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, November 18, 2021, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT:	Grant Harper, Steve Jensen, Colette Atkins, Nicolas AbouAssaly, Will Brandt, Rene Gadelha, and Randy Strnad
ABSENT:	None

Mayor AbouAssaly presided over the meeting.
The meeting opened with the pledge of allegiance and Council observed a moment of silence.

PROCLAMATIONS/OATHS

Proclamation - Small Business Saturday (November 27, 2021)
Council Member Gadelha read and presented the above referenced proclamation to Brooke Prouty with Uptown Marion.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

Ghassan Halloush with ALLTRANS, Inc. spoke in favor of the Ibrahim 1st Addition Final Plat and shared information regarding concerns brought forward by the neighborhood.

Joan Hellmann (2100 Winslow Court) spoke in opposition of Ibrahim 1st Addition Final Plat.

Liane Kroemer (1968 Winslow Court) spoke in opposition of Ibrahim 1st Addition Final Plat.

Josh Rich (1832 Winslow Court) spoke in opposition of Ibrahim 1st Addition Final Plat. Council Member Harper asked if all property owners were aware of the covenants. Rich stated he was aware when he purchased his house. Rich stated the association and neighbors meet when needed. Mayor AbouAssaly asked if there were five homes when he purchased property would he have still purchased the house. Rich stated he would not have as it's directly in his back yard.

Doug Williams (820 5th Avenue) spoke in opposition of the West End Central Corridor Review and expansion of the business. Council Member Harper asked what the expectation is if the City helps with nearby parking lots. Williams stated he could only guess.

Annette Perry (200 Rosedale Road, Cedar Rapids) spoke in favor of the West End Central Corridor Review and provided information regarding the project. Council Member Jensen asked if Perry is maximizing the number of lots along the alley. Perry confirmed she was. Council Member Harper asked when it is planned to install the additional parking spots. Mayor AbouAssaly asked what the use would be of additional pods. Perry stated it would be additional retail spots.

Alan Hellmann (2100 Winslow Court) spoke in opposition of Ibrahim 1st Addition Final Plat.

The following comments submitted prior to the meeting were shown: Josh and Julie Rich (1832 Winslow Court) wrote in opposition of Ibrahim 1st Addition Final Plat, Liane Kroemer (1968 Winslow Court) wrote in opposition of Ibrahim 1st Addition Final Plat, Alan and Joan Hellmann (2100 Winslow Court) wrote in opposition of Ibrahim 1st Addition Final Plat, Doug Williams (820 5th Avenue) wrote in opposition of the West End Central Corridor Review, Larry Smith (4020 Deer Valley Drive) wrote in opposition of the West End Central Corridor Review and requests project be delayed until parking lot is prepared.

CONSENT AGENDA

Administrative Services

Minutes of the November 1 and 4, 2021 City Council meeting.

Liquor licenses including the following:

- Renewal - West End Diner - 809 6th Avenue
- Renewal - Casey's General Store #3562 - 680 Lindale Drive
- Renewal - Naso's Pizza - 453 7th Avenue
- Renewal - Kwik Star #1008 - 5992 Carlson Way
- New - Hy-Vee Fast & Fresh - 2790 7th Avenue

Receive and file October 2021 Department Monthly Reports.

Payments as presented in the amount of $2,878,968.56

Motion to approve hold harmless agreement with the Marion Chamber of Commerce regarding a Christmas in the Park and Peppermint Walk event on December 3, 2021 at City Square Park.

Resolution No. 30056 approving partial payment no. 11 Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amounts of $12,672.50.

Resolution No. 30057 setting a Public Hearing for December 9, 2021 regarding redistricting precincts and wards (City of Marion, Iowa)

Resolution No. 30058 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2021.

Resolution No. 30059 approving the Certificate of Tax Increment Financing (TIF) Indebtedness to the Linn County Auditor's Office for Fiscal Year 2022-2023 collection.

Public Safety

Resolution No. 30060 approving payment to Graybill Communications regarding installation of equipment for 2021 Ford Explorer Interceptor in the amount of $16,890.50

Resolution No. 30061 approving purchase and payment to Karl Chevrolet regarding 2021 Chevrolet Tahoe 4WD SUV Police vehicle in the amount of $37,131.

Resolution No. 30062 approving payment to Graybill Communications regarding installation of equipment for 2021 Chevrolet Tahoe 4WD SUV in the amount of $23,817.

Parks

Resolution No. 30063 approving partial payment to Frank's Tree Service for Right of Way Stump Removal and Turf Restoration in the amount of $44,550.

Receive and file job description for the Recreation Program Coordinator.

Receive and file contract agreement with Ben Bruggeman for Legion Park Salvage Harvest.

Engineering

Resolution No. 30064 approving Partial Payment No. 26 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of $13,442.00 (TRANS-18-092)

Resolution No. 30065 approving agreement with Hoth Properties, LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 30066 approving agreement with Tall Poppy, LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 30067 approving Partial Payment No. 15 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of $1,020.00. (TRL-17-055)

Resolution No. 30068 approving Partial Payment No. 16 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of $515.00. (TRL-17-055)

Resolution No. 30069 approving Partial Payment No. 2 to Kone regarding the

Marion Library Project – Bid Pkg 14A regarding Conveying Systems in the amount of $144,553.43. (FACS-17-034)

Resolution No. 30070 approving Partial Payment No. 8 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of $144,347.27. (FACS-17-034)

Resolution No. 30071 approving Partial Payment No. 5 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of $51,156.55. (FACS-17-034)

Resolution No. 30072 approving Partial Payment No. 8 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A General Trades & Misc. Steel in the amount of $159,415.61. (FACS-17-034)

Resolution No. 30073 approving Partial Payment No. 1 to Corridor Paint and Drywall Inc. regarding the Marion Library Project – Bid Pkg 09C regarding painting in the amount of $20,131.45. (FACS-17-034)

Resolution No. 30074 approving Partial Payment No. 2 to Rapids Foodservice Advanced regarding the Marion Library Project – Bid Pkg 11A regarding Food Service Equipment in the amount of $16,885.30. (FACS-17-034)

Resolution No. 30075 approving Partial Payment No. 9 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A Gypsum Board & Acoustics in the amount of $218,264.40. (FACS-17-034)

Resolution No. 30076 approving Partial Payment No. 10 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A Plumbing and HVAC in the amount of $213,275.00. (FACS-17-034)

Resolution No. 30077 approving Partial Payment No. 6 to Central States Concrete regarding the Marion Library Project – Bid Pkg 03B Site Concrete in the amount of $105,274.14. (FACS-17-034)

Resolution No. 30078 accepting public improvements in Prairie Ridge Estates 8th Addition to the City of Marion.

Resolution No. 30079 accepting paving associated with Glen Rock Farm 8th Addition to the City of Marion.

Resolution No. 30080 approving Change Order 002 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding a change in piping in the amount of $1,109.95. (FACS-17-034)

Resolution No. 30081 approving Change Order 001 with Corridor Paint regarding the Marion Library Building Project Bid Pkg 09C regarding a change in floor sealer in the amount of $4894.00. FACS-17-034)

Resolution No. 30082 approving Change Order No. 003 with Culver's Lawn and Landscape regarding the Marion Library Project – Bid Pkg 32B Landscaping and Site Restoration regarding a change in plants in the amount of $1,111.45. (FACS-17-034)

Resolution No. 30083 approving Change Order 003 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding a

change coffee bar and ice maker in an amount of $1,474.18. (FACS-17-034)

Resolution No. 30084 approving Change Order No 013 with Bush Construction regarding the Marion Library Project – Construction Manager as Adviser to transfer a credit of $12,281.00 from Acme and Knutson for Temp Cooling Per OCO 014. (FACS-17-034)

Community Development

Resolution No. 30085 approving payment no. 21 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631)--70-57] in the amount of $12,466.53. (TRL-18-056)

Resolution No. 30086 approving the Hunters Field 12th Addition Final Plat and Memorandum of Agreement for property located at 5003 Elderton Drive Marion, Iowa. (Frazier Homes, LLC)

Library

Resolution No. 30087 approving partial payment No. 16 to Bush Construction regarding the Library Building Project in the amount of $91,510.49 (FACS-17-034)

Moved by Jensen, seconded by Atkins, to approve consent agenda as shown above.
Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:22 p.m. Mayor Pro Tem Atkins presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 30088 accepting paving associated with Edgebrooke Estates North 2nd Addition to the City of Marion.

Resolution No. 30089 accepting partial paving associated with the Ridge at Indian Creek 2nd Addition to the City of Marion.

Resolution No. 30090 accepting the 2021 Storm Sewer Project (ANN-18-031)

Resolution No. 30091 approving Change Order No. 2 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of $4,090.76. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Moved by Brandt, seconded by Jensen, to approve consent agenda with Mayor AbouAssaly’s abstention as shown above.
Approved by the following votes:

Ayes: Harper, Jensen, Atkins, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 6:23 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Motion directing staff to draft an Ordinance amending Ward and Precinct Maps Using Ward Map Plan No. __ and Precinct Map Plan No. __

Moved by Gadelha, seconded by Jensen, to approve item referenced above. City Attorney Kara Bullerman stated the City is not allowed to base the decision on where the council member resides. Bullerman stated if there is a ward with two sitting council members, both members would need to run in the next City election as well as the ward with zero members. Council Member Gadelha asked if this would require three readings. Principal Planner Dave Hockett confirmed. Council Member Jensen spoke in favor of Ward Map Plan No. 1 as it would allow growth in three wards. Council Member Strnad stated Ward 1 will see some growth as there is some multi-housing development planned. Moved by Strnad, seconded by Jensen to amend the motion to approve Ward Map Plan No. 1 as revised and Precinct Map Plan No. 1. Motion to amend approved unanimously.
Amended motion approved unanimously

Public Hearing on Urban Renewal Plan Amendment for the 29th Avenue Urban Renewal Area

Mayor AbouAssaly opened the public hearing regarding item referenced above. Assistant to the City Manager Amal Eltahir provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30092 to Approve Urban Renewal Plan Amendment for the 29th Avenue Urban Renewal Area

Moved by Strnad, seconded by Gadelha, to approve Resolution No. 30092.
Approved unanimously

Public Hearing on Urban Renewal Plan Amendment for the West Tower Terrace Urban Renewal Area

Mayor AbouAssaly opened the public hearing regarding item referenced above. Assistant to the City Manager Amal Eltahir provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30093 to Approve Urban Renewal Plan Amendment for the West Tower Terrace Urban Renewal Area.

Moved by Harper, seconded by Jensen, to approve Resolution No. 30093.
Approved unanimously

Motion to approve project calendar regarding the following internal loan advances:

- Resolution No. 30094 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Collins Road Extension Urban Renewal Area.
- Resolution No. 30095 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Central Corridor Urban Renewal Area.
- Resolution No. 30096 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the West Tower Terrace Urban Renewal Area.
- Resolution No. 30097 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the 29th Avenue Urban Renewal Area.
- Resolution No. 30098 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Echo Hill Road Urban Renewal Area.

Moved by Jensen, seconded by Strnad, to approve project calendar referenced above.
Approved unanimously

Motion to approve project calendar regarding tax increment financing (TIF) request from Polymer Engineering:

- Motion to receive and file request for financial assistance from Polymer Engineering.
- Motion directing staff to negotiate a development agreement with Polymer Engineering regarding tax increment financing (TIF) incentives.

Moved by Atkins, seconded by Jensen, to approve project calendar referenced above.
Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:44 p.m. Mayor Pro Tem Atkins presided over the meeting.

Motion to approve project calendar regarding tax increment financing (TIF) request from Acterra:

- Motion to receive and file request for financial assistance from Acterra.
- Motion directing staff to negotiate a development agreement with Acterra regarding tax increment financing (TIF) incentives.

Moved by Brandt, seconded by Jensen, to approve project calendar referenced above.
Approved by the following votes:

Ayes: Harper, Jensen, Atkins, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 6:45 p.m. Mayor AbouAssaly presided over the meeting.

Engineering

Resolution No. 30099 approving Change Order No. 12 with Christner Contracting Inc. regarding the 2019 Fire Station Project regarding electric winch freight cost, repairs to Hall 107, painting cameras and stain siding, fixing nylolast cleanouts and inspector revisions in an amount of $14,009.90. (FACS-18-062)

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 30099.
Approved unanimously

Public Comment Period regarding the TAC report regarding stop sign request at the intersection of Arica Avenue and Bruce Road and Eastview Avenue and Bruce Road.

Mayor AbouAssaly opened the public comment period regarding item referenced above. City Engineer Mike Barkalow provided a staff report. The following comments submitted prior to the meeting were shown: Patty Wilken (4012 Bruce Road) wrote in opposition of a stop sign at Eastview Avenue and Bruce Road; John Kraemer (4039 Bruce Road) wrote in opposition of stop signs at both intersections; Jim Wingert (4040 Bruce Road) wrote in opposition of a stop sign at Arica Road and Bruce Road. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public comment period closed.

Motion to receive, file TAC report regarding stop sign request at the intersection of Arica Avenue and Bruce Road and Eastview Avenue and Bruce Road. (Raymond Lundberg, 4000 Bruce Road)

Moved by Strnad, seconded by Gadelha, to approve item referenced above.
Approved unanimously

Resolution No. 30100 approving a Stop Sign stopping south bound traffic on Bruce Road at its intersection with Eastview Avenue.

Moved by Harper, seconded by Atkins, to approve Resolution No. 30100. Council Member Harper asked if traffic conditions would continue to be monitored to determine if stop signs are needed at a later date. City Engineer Mike Barkalow stated there was a large plant that was overgrown and that has been removed which improved visibility. Council Member Gadelha spoke that since there has not been a history of accidents she is not in favor of installing a stop sign.
Approved by the following votes:

Ayes: Harper, Jensen, AbouAssaly, and Strnad

Nays: Atkins, Brandt, and Gadelha

Resolution No. 30101 approving a Stop Sign stopping west bound traffic on Arica Avenue at its intersection with Bruce Road.

Moved by Jensen, seconded by Harper, to approve Resolution No. 30101.
Failed by the following votes:

Ayes:

Nays: Harper, Jensen, Atkins, AbouAssaly, Brandt, Gadelha, and Strnad

Resolution No. 30102 approving contract with Veenstra & Kimm, Inc regarding the Indian Creek Sewer - Segment 11 and authorizing payments in an amount not to exceed $275,000.00. (SWR-18-001)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30102.
Approved unanimously

Community Development

Resolution No. 30103 approving contract amendment no. 3 with Snyder and Associates Inc., associated with the Indian Creek Trail project regarding the scope and fee for services in the amount of $21,462.00 (STP-U-4775(631)--70-57). (TRL-18-056)

Moved by Brandt, seconded by Atkins, to approve Resolution No. 30103.
Approved unanimously

Resolution No. 30104 approving the Sweet Cheesecake – Central Corridor Review for property located at 1360 7th Avenue, Marion, Iowa.

Moved by Gadelha, seconded by Strnad, to approve Resolution No. 30104.
Approved unanimously

Resolution No. 30105 approving the West End - Central Corridor Review for property located at 809 6th Avenue Marion, Iowa (Annette Perry)

Moved by Strnad, seconded by Jensen, to approve Resolution No. 30105. Council Member Harper asked about the Planning and Zoning Commission decision and how the project conforms to our zoning ordinance. Principal Planner Dave Hockett stated the Planning and Zoning Commission voted in favor of the item. Hockett stated the restaurant and retail pods are allowed in the zoning district. He also stated that if the project was developed today, there would be 20 spots required. Hockett stated 13 off street parking spots are provided in the new proposal. Council Member Harper asked about the net gain of parking spots. Hockett stated there is a net gain of seven spots. Council Member Gadelha stated she will be approving but would like to expedite the development of the neighboring public parking lots. Council Member Jensen agrees that the City has responsibilities with the neighboring public parking lots. Council Member Brandt agrees and requested all public parking lots in the City have appropriate signage. Mayor AbouAssaly stated that the lack of parking is a current issue and needs to be addressed regardless of the approval of this project. Council Member Harper would like a future agenda item to discuss the parking situation. City Engineer Mike Barkalow stated that staff is already looking at what can be done with the neighboring public parking lots.
Approved unanimously

Resolution No. 30106 approving the Ibrahim 1st Addition Final Plat and Memorandum of Agreement for property located at 1710 Winslow Court, Marion, Iowa. (Mohamed and Nicole Ibrahim)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30106. Council Member Harper asked if the Planning and Zoning Commission had the same concerns. Principal Planner Dave Hockett stated the same issues were discussed and the same correspondence was received. Council Member

Gadelha asked about this final plat and what was discussed at the work session. Acting City Manager Tom Treharne stated that the intent of the original subdivision was that this is not subdivided. He stated that this final plat meets the current code. Council Member Gadelha stated she is not in favor of this subdivision and would like to keep the original intent of this neighborhood. Council Member Harper has done more research and while he was in favor of the driveway off of Winslow Road he is not in favor of this subdivision. Council Member Brandt is opposed to this item based on what residents of the neighborhood brought forward.
Failed by the following votes:

Ayes: AbouAssaly

Nays: Harper, Jensen, Atkins, Brandt, Gadelha, and Strnad

OTHER DEPARTMENT DISCUSSION

No other discussion took place.

PUBLIC FORUM

Doug Williams (820 5th Avenue) stated he hopes progress is made on the parking situation and provided additional concerns with West End being next to his property.

Annette Perry (200 Rosedale Road, Cedar Rapids) addressed concerns brought forward by Doug Williams.

Ghassan Halloush with ALLTRANS, Inc. spoke about the decision made regarding Ibrahim 1st Addition Final Plat.

COUNCIL COMMENTS

Council Member Gadelha congratulated Council Member Strnad on the outcome on the election ballot recount. She also wished everyone a safe and happy Thanksgiving.

Council Member Atkins congratulated Council Member Strnad. She welcomed Sweet Cheesecake to Uptown Marion and stated she has also recently visited Morning Story Restaurant. She encouraged everyone to shop small this holiday season. Council Member Atkins also provided information regarding the Community Equity Task Force and that recommendations will be coming forward to Council at the next few meetings.

Council Member Jensen wished everyone a happy Thanksgiving and looks forward to the next meeting when the new city manager will be here.

Council Member Harper wished everyone a safe holiday and encouraged everyone to shop local.

Council Member Brandt congratulated Council Member Strnad and wished everyone a happy Thanksgiving.

Mayor AbouAssaly congratulated Council Member Strnad. He also congratulated the Marion Chamber of Commerce who had their ribbon cutting today. Mayor AbouAssaly also spoke about the Community Equity Task Force and the start of the Mayor's Youth Council. Mayor AbouAssaly stated he will be forming a Diversity Council to help determine ways to celebrate the diversities within Marion. He wished everyone a happy Thanksgiving.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 7:48 p.m.

_____
Nicolas AbouAssay, Mayor

_____
Rachel Bolender, City Clerk

The undersigned City Clerk of Marion, Iowa certifies that the minutes shown immediately above were published in the Gazette on the _____ day of _____, 20___.

_____
Rachel Bolender, City Clerk